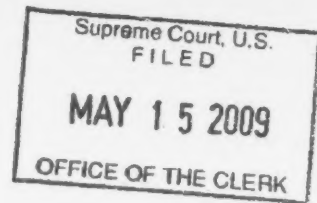


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No. 08-1061

In The Supreme Court of the United States

Brian A. Faught,
Petitioner,

V.

Patton and Kay Stevens,
Respondents,

Petition for Rehearing
Petition for Writ of Certiorari
To The Supreme Court of Ohio,
Twelfth District Court Of Appeals,
Clermont County Court Of Common Pleas,
Domestic Relations Division

Brian A. Faught
Pro Se
534 Smiley Ave.
Springdale, Ohio 45246
513-236-5383

Grounds for Petition for Rehearing

This case is an exact parallel to a previous U.S. Supreme Court case, *Troxel v. Granville*, 530 U.S. 57 (2000). Like Granville I did not completely oppose visitation of my children with their maternal Grandparents. I simply wanted to maintain a healthy relationship between my children and their grandparents by exercising my right to care, custody and control of my children. In the *Troxel* court it was decided that the Washington State statute was unconstitutional but the main focus did not settle on the statute itself. The statute was declared unconstitutional because the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder. The court also found that a grandparent does not have an inherent right to their grandchildren. It was also determined that a single parent family is an intact family.

It was determined by the magistrate that I was a "fit parent". The trial court agreed to my objections that the magistrate in the case did not follow the wishes of the "fit parent" yet the trial court imposed its own visitation schedule over the wishes of the parent violating my constitutional right as spelled out in Troxel Court. It was often said by the legal professional in this case that since there is a grandparent visitation statute that the courts must impose some sort of visitation order, that in and of itself violates the 14th Amendment right to "Due Process". This case is the perfect or non-perfect example of how these types of infringements on parent's rights will harm the parent child relationship.

Ohio's statutes 3109.11 and 3109.12 guarantees grandparents an inherit right to their grandchildren for what ever amount of time a court decides is "reasonable" which in my case was 2 weekends a month and 2 weeks in the

summer. These statutes are set up not for all grandparents but for grandparents of children in a single parent or divorced family. The list of factors in O.R.C. 3109.051 is the requirements set up for the court to consider when deciding grandparent visitation. This list of factors is well within a fit parents decision making capabilities'. These statutes just don't live up to the U.S. Supreme Court's own findings on parental rights. Although Ohio's statutes are not as vague as Washington's statutes they still don't meet the Constitutional protection afforded to parents. Ohio Statutes are vaguer than other states (Illinois, Arizona, Georgia, Texas, etc.) statutes that have protected the rights of parents.

Article III section 2 of the U.S. Constitution and Title 28, Part IV, Chapter 81, Section 1257 of the U.S. Code provide the U.S. Supreme Court the rights and responsibilities to control jurisdiction in this matter. States such as Ohio choose to disregard the case law of the U.S. Supreme Court in the matter of parental rights

bringing about the need for the U.S. Supreme Court to intervene for the sake of separation of powers. Ohio's legislative branch can not remain unchecked on these statutes. Ohio is drawn in question on the ground of its being repugnant to the Constitution (14th Amendment) granting authority by U.S. Code to the Supreme Court. Simply put this case begs review by the U.S. Supreme Court to uphold the Constitution of the United States. The case at bar should not be denied constitutional protection based solely on jurisdictional discretion.

Conclusion

My petition for redress is justifiable. In an effort to grant "equal protection" of the oldest of all constitutional rights, that of a fit parent, I should be given the opportunity to present the merits of this case.

Respectfully Submitted,
Brian A. Faught
534 Smiley Ave.
Springdale, Ohio 45246
513-236-5383

CERTIFICATE OF GOOD FAITH

Petitioner hereby certifies that the foregoing
Petition for Rehearing was submitted in good
faith and not for delay.

I, Brian A. Faught, hereby swear and affirm the
information set forth in this Certificate is true.

Brian A. Faught
Pro se
Springdale, Ohio 45246

SWORN to and SUBSCRIBED before me this 7th
day of May, 2009.

Audrey Skinner
NOTARY PUBLIC
Commission Expires Sept. 26, 2011